

The Fisher House is the Home of America's  
Greatest of All Stars!  
So that in the morning they can awake . . .  
With but smiles upon their face!  
Where their children can but so have a place!  
Where they can be kids as all around they so  
race!  
Which feels more like home with each new  
day!  
Where at the dinner table they can all say  
grace!  
A safe haven . . .  
a sanctuary which in the quiet of the night  
brings tears to their face!  
To let them Heal!  
To let them find The Grace!  
Where their courage grows at such an enor-  
mous pace!  
Where family Birthdays . . .  
Christmas . . .  
Thanksgiving and Holidays they celebrate!  
And talk about their first new steps so great!  
As they wipe away all those tears from their  
face!  
All in This Home Away From Home,  
this so very special healing place!  
Until that moment,  
that one fine day  
when it's time to leave this Home Away  
From Home!  
And finally,  
they can all go back to their Home's to so  
stay!  
As they will never forget this place!  
Bless this home!

RECOGNIZING THE 50TH ANNIVER-  
SARY OF SPRINGFIELD CHAPTER  
893 OF THE NATIONAL ASSOCIA-  
TION OF RETIRED FEDERAL EM-  
PLOYEES

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 11, 2013*

Mr. CONNOLLY. Mr. Speaker, I rise to com-  
memorate the 50th Anniversary of Chapter  
893 of the National Association of Active and  
Retired Federal Employees (NARFE), based  
in Springfield, Virginia.

Founded in 1921, NARFE is a nonpartisan  
organization dedicated to protecting and en-  
hancing the earned pay, retirement, and  
health care benefits of federal employees and  
retirees as well as their spouses and sur-  
vivors. Springfield Chapter 893 is one of more  
than 1600 NARFE chapters nationwide.

The Charter for Chapter 893 was issued  
December 31, 1963. At that time, there were  
14 members. Today, the Chapter membership  
has grown to become the largest of the 59  
chapters in Virginia, with nearly 1,400 voting  
members. Chapter members have had a  
strong voice in many national and local legis-  
lative issues affecting Federal retirees, senior  
citizens and the public at large.

While Chapter 893 has always emphasized  
fulfilling the primary NARFE mission, its mem-  
bers have also made invaluable contributions  
to our Northern Virginia community. Chapter  
893 members have volunteered countless  
hours at hospitals and libraries, and they have  
worked with local non-profit organizations to  
support blood drives and Meals on Wheels  
programs. Since 1987, members have contrib-  
uted generously to Alzheimer's Research, the  
charity of choice for NARFE nationwide. In  
1992, members first participated in the local  
area Alzheimer's Memory Walk, which has

raised approximately \$1,000 annually for sev-  
eral years. In 2009, members began partici-  
pating in the collection of warm clothing items  
for homeless veterans for the Washington,  
DC, Veterans Administration Medical Center.  
That same year, the Chapter began sup-  
porting the National Association of Letter Car-  
riers "Stamp Out Hunger" program.

Over the course of its successful history, the  
Springfield Chapter has benefited from many  
dynamic, accomplished leaders. Several past  
presidents have been elected as officers or  
appointed committee chairs of the NARFE Vir-  
ginia Federation of Chapters. Others have  
served in civic, professional, or fraternal orga-  
nizations locally. Particularly noteworthy are  
the accomplishments of past presidents Milton  
Kramer, Vincent Agnelli, David Sullivan,  
Charles Delaplane, and Ann M. Collins. Past  
President Kramer played a major role in orga-  
nizing the Northern Virginia Caucus of Chap-  
ters in 1993. Past President Agnelli served on  
an ad hoc committee influential in the 1993  
Virginia Supreme Court Federal retiree tax re-  
fund issue. Past President Sullivan served on  
the Board of the Virginia Federation of Chap-  
ters (VFC) for several years and subsequently  
was elected NARFE National Secretary in  
2000 and again in 2002. Past President  
Charles Delaplane served on the Board of the  
VFC for several years and chaired the Na-  
tional Legislation Committee at the 2008 and  
2010 NARFE National Conventions. Past  
President Collins served on the Board of the  
VFC and subsequently was elected VFC  
President for 2 terms (2005–2007). In 2006 as  
VFC President she established NARFE VFC  
Congressional District Liaisons for the 11 con-  
gressional districts in Virginia as well as a  
Senatorial Liaison. Also, Past President Col-  
lins was appointed as a delegate to the 2005  
White House Conference on Aging to rep-  
resent the 11th Congressional District of Vir-  
ginia.

The 11th Congressional District of Virginia,  
due to its proximity to Washington, DC, is  
home to a significant number of Federal em-  
ployees and retirees and I am honored to rep-  
resent these dedicated and honorable public  
servants in the U.S. House of Representa-  
tives. Mr. Speaker, I ask my colleagues to join  
me in congratulating NARFE Springfield Chap-  
ter 893 on the occasion of its 50th Anniversary  
and in thanking the members for their unwav-  
ering support and dedication to Federal em-  
ployees, retirees, and their families.

INNOVATION ACT

SPEECH OF

**HON. HAKEEM S. JEFFRIES**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 5, 2013*

The House in Committee of the Whole  
House on the state of the Union had under  
consideration the bill (H.R. 3309) to amend  
title 35, United States Code, and the Leahy-  
Smith America Invents Act to make im-  
provements and technical corrections, and  
for other purposes:

Mr. JEFFRIES. Mr. Chairman, the Jeffries  
Amendment to H.R. 3309 accepted in the  
House Judiciary Committee amended the bill's  
fee-shifting provision in a meaningful manner  
designed to reduce the likelihood of an ad-

verse award made against a non-prevailing  
party. As originally introduced, H.R. 3309 re-  
quired the court to award fees to a prevailing  
party in patent litigation "unless the court finds  
that the position of the nonprevailing party or  
parties was substantially justified or that spe-  
cial circumstances make an award unjust."

The Jeffries Amendment modifies this provi-  
sion to disallow fee-shifting when: 1) "the  
court finds that the position and conduct of the  
nonprevailing party or parties were reasonably  
justified in law and fact" or 2) when a named  
inventor or non-prevailing party encounters  
special circumstances such as "severe eco-  
nomic hardship" that would make a fee-shif-  
ting award unjust. With respect to the latter  
provision, the amendment further limits the cir-  
cumstances under which a fee-shifting award  
is proper by mandating consideration of addi-  
tional factors by the court.

During the debate on the House floor, a  
claim was made that the term "substantially  
justified" means "reasonably justified" as inter-  
preted through the Equal Access to Justice  
Act (EAJA). The EAJA is a body of law unre-  
lated to intellectual property jurisprudence. Ac-  
cordingly, its precedential value is uncertain.  
However, to the extent this body of law is con-  
sidered relevant, the oft-referenced Supreme  
Court decision in *Pierce v. Underwood* explic-  
itly asserts that "substantially justified" and  
"reasonably justified" are not synonymous.  
Consequently, even when viewed through the  
EAJA lens, the Jeffries Amendment clearly  
lowers the bar that a non-prevailing party must  
meet in order to avoid an adverse fee-shifting  
determination.

The EAJA states in pertinent part: "(1)(A)  
Except as otherwise specifically provided by  
statute, a court shall award to a prevailing  
party other than the United States fees and  
other expenses . . . incurred by that party in  
any civil action . . . brought by or against the  
United States . . . unless the court finds that  
the position of the United States was substan-  
tially justified or that special circumstances  
make an award unjust."

The Supreme Court in *Pierce v. Underwood*  
decided several issues regarding the EAJA,  
including the applicable standard of appellate  
review and the meaning of "substantially jus-  
tified." Regarding the standard of review, the  
court held that the plain language of the stat-  
ute stating "the court finds," makes clear "that  
the determination is for the district court to  
make, and thus suggests some deference to  
the district court on appeal" by employing an  
abuse of discretion standard. H.R. 3309 also  
includes "the court finds" language in its for-  
mulation. As such, any appellate court review-  
ing a fee-shifting decision by the district court  
should apply the deferential abuse of discre-  
tion standard as well.

In order to determine the meaning of "sub-  
stantially justified," the Court studied the plain  
meaning of the statute, dictionary definitions  
and the legislative history to conclude: "[w]e  
are of the view, therefore, that as between the  
two commonly used connotations of the word  
'substantially,' the one most naturally con-  
veyed by the phrase before us here is not 'jus-  
tified to a high degree,' but rather 'justified in  
substance or in the main'—that is, justified to  
a degree that could satisfy a reasonable per-  
son. That is no different from the 'reasonable  
basis both in law and fact' formulation adopted  
by the ninth Circuit . . ." It is important to  
note, of course, that the phrase "reasonable